

NATIONAL CENTER FOR STATE COURTS

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SERBIA RULE OF LAW PROJECT

QUARTERLY REPORT
MARCH 31 – JUNE 30, 2004

Contract Number
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IQC Task Order No. 809



Quarterly Report
Serbia Rule of Law Project
Reporting period: March 31 – June 30, 2004
IQC Contract AEP 00-00-00011-00, Task Order No. 809

This is the first quarterly report for the Serbia Rule of Law Project, covering the period from March 31 to June 30, 2004. It is prepared in three sections: Progress Summary; Overall Project Development; Project Activities; Financial Status; and Obstacles Encountered.

A. PROGRESS SUMMARY

The United States Agency for International Development (USAID) has contracted with the National Center for State Courts (NCSC) to implement the Serbia Rule of Law Project. Implementation of this 26-month project began in late April 2004, and supports USAID/Serbia's Strategic Objective (SO) 2.0: More Effective, Responsive and Accountable Democratic Institutions, and particularly IR 2.0.3, Increased Judicial Independence and a Better-Functioning Legal System. Since this activity will complement the work of the separate Commercial Court Administrative Strengthening Activity of USAID/Serbia and encourage investment through improved operations of courts in general and public institutions that will encourage investment in Serbia, it also supports SO 1.3, Accelerated Growth and Development of Private Enterprise.

Project start-up activities, including project office set-up and hiring of project staff have been mostly completed. Project staff have begun to establish relationships with key local counterparts and other projects that are working on related issues. Project activities related to the two main project components – Improvement of Court Operations and Law Faculty Activities – have commenced. The initial assessment of caseloads and backlogs has been completed as well as the initial assessment to determine future law faculty activities. The initial assessment of caseloads and case backlog will be followed by a detailed assessment beginning next quarter. The final selection of the courts and law schools to be included in future project activities and the detailed scope of activities have not yet been finalized pending submission and approval of the Year One Work Plan next quarter.

B. OVERALL PROJECT DEVELOPMENT

Year One Work Plan

As described above, the two assessments conducted during the first quarter are serving as the basis for development of the Year One Work Plan. The CTO approved that this work plan be submitted on July 9, 2004.

Opening of Project Office

During the months of April through early June 2004, the Project Director, Dr. Heike Gramckow, and Project Manager, David Anderson, traveled to Belgrade to set up the new NCSC office and hire and train new staff. The Belgrade office is located at 47 Filipa Kljajica, Apartments 7 and 8, 11000 Belgrade, Serbia and Montenegro. All office equipment and furnishings were procured this quarter. Registration of the project and VAT tax exemption were completed in June 2004.

By the end of this quarter, all local staff members were hired except the IT Specialist, which is being postponed; NCSC is currently utilizing a highly effective IT Specialist who has been working successfully with the Special Court Project on an as needed basis. The Senior Program Coordinator is Ljiljana Urzicic, who served as Program Coordinator on the Serbia Special Court Project, also administered by NCSC. The Junior Program Coordinator for the Courts is Veljko Dragovic, who has been working with the EU court automation activities. The Junior Program Coordinator for Law Schools, Danijela Barjaktarovic, was hired in late June 2004. Judge Radmila Dicic, a judge with the Special Court's Division for Organized Crime, will serve as Senior Attorney/Advisor. She is currently working part-time and is expected to begin working full-time in September 2004.

The Office Manager is Tanja Stojkovic, who has significant experience in office and financial management. She will oversee a staff of up to two other administrative staff, drivers, finances, and all logistical issues.

Recruitment for the permanent Chief of Party continued throughout this quarter. In the interim period NCSC contracted with Michael Bayne to serve as Interim Chief of Party through July 2004.

C. PROJECT ACTIVITIES

1. Initial Assessment of Caseloads and Backlogs

On May 19, 2004, NCSC's short-term consultant, Robert Lipscher, conducted the initial assessment of caseloads and case backlogs. Prior to his arrival, the project team mapped out the courts to be visited during this initial stage to be representative of the various court levels, regions, cultural differences, and population. Mr. Lipscher and team visited a combination of Magistrate, Municipal and District Courts from May 21 – June 5, 2004 in Becej, Belgrade, Kragujevac, Nis, Novi Pazar, Novi Sad, Valjevo, Vranje, and Zajecar. Mr. Lipscher's initial assessment of caseloads and case backlogs will be completed by July 7, 2004, at which time NCSC, USAID, the Ministry of Justice (MOJ), and others will identify the sample courts to be included in the assessment related to Task 2 of the scope of work. The final report from the initial assessment will be submitted next quarter.

Initial project discussions with USAID led to an agreement to explore the feasibility of including the Magistrate Courts in this project. Further communications with Serbian counterparts supported the idea to include the Magistrate Courts in this project, as did the meeting with the Head of the Magistrate Court in Belgrade. Another idea under consideration is also including an assessment of Supreme Court case files in the detailed assessment.

The NCSC team continues to collect all relevant procedural codes, court rules, and relevant background material for purposes of assessing causes of inefficiencies and backlog in the courts during the detailed assessment to begin next quarter. Regarding proposed rules and procedures for the courts, the NCSC team is in the process of comparing the Serbian and English translations of court rules made available by Booz-Allen Hamilton to ensure accuracy of the translation. As part of this assessment, NCSC will complete process flow charts showing paper flows for all types of cases in both English and Serbian. These documents will assist the project in its case processing analysis for the reduction in processing time, better utilization of staff, and streamlining the various processes. This material had not previously been available in a way that was easily accessible by the public, press and attorneys, and will therefore also feed into NCSC's efforts to make information more publicly available, e.g., through a website that is planned for development during the first year of the project.

In relation to the court library improvement activities envisioned under this project, it was agreed with USAID that detailed plans for this task will follow an initial assessment conducted under Task 1, commencing next quarter in September 2004.

The next steps under this component in the coming quarter will be:

- Continue to gain approval for activities in select courts and access to case files for case review;
- Continue to collect needed background information (i.e., translations of relevant laws and rules and court data);
- Continue to meet with and coordinate project activities with the Ministry of Justice;
- Begin detailed backlog assessment; and
- Continue to establish and maintain contact with other key stakeholders, implementing partners, and donors.

2. Law Faculty Activities

Professor Peter Maggs led the assessment of select law faculties beginning on May 18 through June 12, 2004. Initial discussions with the CTO about the approach for this component led to the conclusion that the possibility of including a private law school in Belgrade in this project should be explored. The initial assessment therefore included meetings with the four public law schools – Belgrade University Law School, Novi Sad University Law School, Niš University Law School, and Kragujevac University Law School – and one private institution – the School of Commercial Law in Belgrade.

Professor Maggs' initial assessment of law school activities will be completed by approximately July 6, 2004. His final report will be submitted with the next quarterly report.

Expected tasks in the next quarter include:

- Finalize project plans for this component;
- Communicate proposed activities to select law schools and identify implementation schedules and resources;
- Continue to establish and maintain contact with key stakeholders, implementing partners, and donors.

3. Other Project Activities

Regular meetings with USAID, local counterparts, implementing partners, and other donor agencies were held throughout this quarter. The meetings included: discussion of consultant assessments to date, implementation of project tasks, timetables, and establishing agreements for regular, effective coordination among projects. As an example, NCSC and Booz-Allen Hamilton (BAH) have agreed to meet monthly for the purpose of sharing information and resources. Meetings were also held with key stakeholders for the new project to explain the project and establish initial communication channels with them. This involved meetings with the leadership of the MOJ, Supreme Court, and Head of the Magistrate Court in Belgrade, who had previously served as President of the Association of Magistrate Judges. These meetings will feed into the project work plan, to be completed in July 2004.

Expected tasks in the next quarter include:

- Continue to assess the feasibility of various communication mechanisms (i.e., meetings – formal and informal, newsletters, websites, etc.).

4. Donor Coordination

Project staff continued to identify and meet with other donor-funded activities related to court administration and law school development to set up meetings during May and June 2004, such as the European Agency for Reconstruction (EAR), e.g., to discuss their court automation efforts; DFID and their efforts to collect MOJ statistics; and the World Bank, which is currently conducting a court administration diagnostic through its contractor, Booz-Allen Hamilton. The intent is to learn about their activities and efforts and to establish regular communication meeting schedules to provide a continuous exchange of information, coordinated planning, and cooperative operations to avoid incompatible approaches and duplication of efforts.

D. FINANCIAL STATUS

Project accruals for the end of this quarter, as reported in mid-June 2004, are as follows:

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E. OBSTACLES ENCOUNTERED AND EFFORTS UNDERTAKEN TO OVERCOME THEM

No major obstacles were encountered during this quarter. Minor impediments included:

- The original Chief of Party proposed for the project was unable to accept the assignment. In late May, a new candidate, Randy Ackerman, was approved by USAID. However, he decided not to accept the position. At the end of the quarter, David Anderson was approved by USAID as the new Chief of Party; he will begin work in Serbia early next quarter.
- Because of difficulties with scheduling for Professor Igor Kavass, the lead consultant for the law school component, Professor Peter Maggs was hired to conduct the law school assessment on short notice in May 2004.
- NCSC also encountered difficulty identifying a Junior Coordinator for Law Schools. In consultation with USAID, the home office, and the Law School

Specialist, Prof. Peter Maggs, the advertisement for this position was re-issued twice. Ultimately, it was agreed that the best candidate was a young graduate from Novi Sad described above under Opening of Project Office.